

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

DAVID A. SELL,

Petitioner,

ORDER

v.

09-cv-704-bbc

ANA BOATWRIGHT, Warden,
New Lisbon Correctional Institution,

Respondent.

In response to a series of orders issued by the magistrate judge, petitioner David Sell has informed the court that he wants to pursue certain unexhausted claims in state court. In the order entered February 17, 2010, the magistrate judge advised petitioner of the risks associated with pursuing this course of action. Dkt. 18. Accordingly,

ORDER

IT IS ORDERED that the petition of David Sell for a writ of habeas corpus is DISMISSED WITHOUT PREJUDICE for his failure to comply with the exhaustion requirement. In reaching this conclusion, I make no determination of the merits of petitioner's claims.

Entered this 22nd day of March, 2010.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge